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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,114	01/11/2005	Jochen Hofmann	53988/DBP/M521	4800

23363 7590 01/12/2007
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EXAMINER

WHITE, RODNEY BARNETT

ART UNIT	PAPER NUMBER
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3636

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/521,114

Applicant(s)

HOFMANN ET AL.

Examiner

Rodney B. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's arguments filed 10/25/2006 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2 and 4-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, Applicant adds the limitation "wherein the lever arrangement is formed by two spaced apart articulated levers which are attached on one side to an element displaceable together with the backrest and on the other side to a floor unit." However, Applicant has failed to define what or where the "sides" are. When Applicant uses the term "the other side" does he mean on an opposite side of the backrest or does he mean that the levers are across from one another, as in facing one another? The Drawings certainly do not illustrate such an arrangement. If Applicant feels that the arrangement is shown clearly, Applicant is asked to point out to what he is referring.

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Also, when Applicant defines that the one articulated lever is attached "on the other side to a floor unit", it is not clear if Applicant intends to claim the "seat arrangement" in combination with "a floor unit". When Applicant attaches the lever to the "floor unit", the "floor unit" becomes part of the invention. As a result, Applicant is defining limitations with respect to parts or structures that are not part of the invention. Applicant should probably re-word the part of the claim so that it reads one of the levers is adapted for attachment is to be attached to a floor unit or he needs to claim the combination. Finally, What is the "element" that Applicant defines as "displaceable together with the backrest"? That is such a vague and general term. Perhaps Applicant needs to be more specific.

The aforementioned problem renders the claims vague and indefinite. Clarification and/or correction is required. Applicant needs to read through the claims to check for other such problems the Examiner may have missed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 4-37, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Blasin (U.S. Patent No. 4,368,916).

Blasin teaches a seat arrangement for a motor vehicle seat, comprising: a seat base 2 which defines a seat surface for a vehicle occupant and extends in a longitudinal direction of the seat; and backrest 1 wherein the backrest is adjustable longitudinal direction of the seat relative to the seat base by a lever arrangement (See Figures 2 and 8), wherein the longitudinal direction of the seat extends along a longitudinal axis of the vehicle in relation to the position of the seat arrangement installed in a motor vehicle, wherein the lever arrangement is formed by two spaced apart articulated levers 11, 19 which are attached on one side to an element 19 displaceable together with the backrest and on the other side 11 to a floor unit at 3", wherein the lever arrangement is formed by two displacement levers, which are parallel to each other, wherein the backrest is additionally movable in the longitudinal direction the seat by a longitudinal guide 3", wherein the backrest is movable the lever arrangement into at least two different longitudinal positions, which longitudinal positions are lockable, wherein the lever arrangement for moving the backrest in the longitudinal direction of the seat engages on a structural frame unit on which the backrest is mounted, wherein the backrest foldable about a pivotal axis onto the seat surface, wherein the pivotal axis is moved along a predetermined path as the backrest is folded forwards onto the seat surface, wherein the pivotal axis is formed by a physical structural unit of the seat arrangement, wherein the pivotal axis is formed by a bearing axis through which the backrest is mounted on a structural frame unit, wherein the pivotal axis is automatically guided along the predetermined path as the backrest is folded forwards, wherein the pivotal axis is automatically guided by a guide device which extends along the

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predetermined path, wherein the guide device is formed by a guide slide 3", wherein the pivotal axis is automatically guided by a guide element through which pivotal axis connected a structural frame unit and which is moved as the backrest is folded forwards, wherein the guide element is longitudinally extended, wherein the guide element comprises a guide lever wherein the backrest is connected additionally outside of the pivotal axis for articulation to a structural frame unit, wherein the backrest is connected outside the pivotal axis to the structural frame unit through a coupling element which extends from the backrest structural frame unit and moved as the backrest rest folds forward, wherein comprises a coupling, wherein the backrest is connected outside of the pivotal axis to the frame unit through a guide device which guides a section of the backrest as it folds forward, , wherein movement of the pivotal axis along a predetermined path as the backrest folds forward controlled through the interaction of the backrest with the structural frame unit outside of the pivotal axis, wherein the pivotal axis is automatically guided along a predetermined path by means one of a guide device extended along this path and by a guide element through which the pivotal axis connected to the structural frame unit and and the movement of the pivotal axis along the predetermined path is controlled by one of a coupling element and a guide device by which the backrest is connected to the structural frame group outside of the pivotal axis, wherein the pivotal axis is moved on a closed path as the backrest is folded forwards, wherein as the backrest is folded forwards the pivotal axis is moved from one end to another end of an open path curve and back to the one end of the path curve, wherein as the backrest +R+ folds

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forward the pivotal axis is moved at least during part of the folding movement along a direction which is substantially opposite the direction of the folding movement, further comprising a locking mechanism for locking the pivotal axis in a position which corresponds to at least one of a backrest raised up in the useful position and in a position which corresponds to a backrest folded forwards down onto the seat, wherein the locking mechanism for locking the pivotal axis comprises a locking lever wherein an adjusting device is provided to set an incline of the raised-up backrest between different useful positions, further comprising a locking device for locking a previously set incline of the backrest, wherein the locking device comprises one of the self-locking design of the adjustment device and a brake associated with the adjustment device, further comprising a separate locking device which interacts with the adjusting device wherein the locking device comprises a primary locking element +9G+ which for locking the adjusting device acts on same, and a second locking element with which the primary locking element is lockable in a position in which acts on the adjusting device, wherein the secondary locking element brings the primary locking element out of engagement with the adjusting device in order to be able to change the incline of the backrest, wherein the seat surface is formed by a seat cushion mounted on the seat base, wherein the backrest is movable by the lever arrangement into two different longitudinal positions are longitudinal , which longitudinal positions are lockable (See Figures 1-2, 4-5, and 7-8 and specification).

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Remarks

Applicant argues that the Blasin reference teaches a lever arrangement wherein lever 18 is not fixed to a floor unit but is attached to a seat base 2. " and Also argues that "in the Blasin design, when seat base 2 is adjusted along a longitudinal direction of the seat, a movement of the backrest is triggered. " and that "When the seat base of Applicant's recited seat arrangement is longitudinally moved, this does not trigger movement of the backrest." However, this limitation is not claimed. Blasin teaches the structure that is claimed in the claims. Also, Applicant does not specify which lever is attached to a floor unit but argues specifically that "lever 18" of the Blasin reference is not fixed to a floor unit". However, is lever 13 not attached to the floor by way of upper and lower slides 3' and 3"? It appears Applicant argues issues and limitations that are not clearly defined or claimed. Perhaps an interview is needed to clarify these questionable limitations and structures so that the limitations can be clearly defined.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

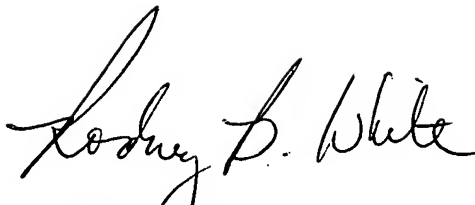
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Rodney B. White,
Patent Examiner
Art Unit 3636
January 7, 2006



Handwritten signature of Rodney B. White in cursive script.

RODNEY B. WHITE
PRIMARY EXAMINER